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IN THE

Supreme Court of the United States

October Term, 1983

No.

HANNAHVILLE INDIAN COMMUNITY, *et al.*,
Petitioners,

v.

UNITED STATES OF AMERICA,
Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

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Indiana and Michigan, *et al.*

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Petitioners respectfully pray for the issuance of a Writ of Certiorari to review the judgment below entered January 27, 1984, by United States Court of Appeals for the Federal Circuit. (Appendix "A")

QUESTION

Should petitioners have six (6) months, or more if needed, to audit disposition of proceeds of their fourteen treaties with the United States, said audit to be at their expense.

THE FACTS

Petitioners had title to more than 33,000,000 acres of land north of the Wabash River in Indiana extending from Cleveland, Toledo and Detroit to Fort Wayne, to Chicago to Peoria to St. Louis to Davenport to Dubuque to Green Bay to Milwaukee (see extract copy of map of "Indian Land Areas Judicially Established 1978" by the U.S. Indian Claims Commission, Appendix "B" attached). These lands were ceded to the United States in and by Treaties and Treaty Supplements between 1795 and 1836 in treaties ratified by Congress. All land claims cases prosecuted by the undersigned (fourteen in number) under the Indian Claims Commission Act of 1946 (28 U.S.C. §70, *et seq.*) resulted in awards totaling over $22,000,000 exclusive of interest, which was not granted.

Petitioners in this separate case also claim shortages of over $1,400,000 in Indian trust funds which were misappropriated, misapplied and/or returned, paid back or turned in to the general funds of the defendant United States. The defendant admitted shortages of $120,122.15 and the Honorable Trial Court found said shortages $121,081.77 solely on the basis of admittedly very deficient reports of the General Accounting Office submitted more than twenty years earlier. The Court also allocated said funds solely to a fractional and indeterminate portion of the petitioners. Funds are apparently now available for this accounting work at an estimated cost of $75,000 to the petitioners.

CONCLUSION

It is respectfully submitted that the petition for a writ of certiorari be granted.

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Valentine Ritchie, Ike George,
Frank Wandahsega, Elija
Petonquet, *et al.*

APPENDIX A

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

HANNAHVILLE INDIAN COMMUNITY, *et al.*
Appellants,

v.

Appeal No. 83-1213

THE UNITED STATES,
Appellee.

DECIDED: January 27, 1984

Before RICH, BENNETT, and SMITH, *Circuit Judges.*
PER CURIAM:

DECISION

The judgment of the United States Claims Court, awarding plaintiff-appellants, Hannahville Indian Community, *et al.*, damages in the amount of $121,081.77, is *affirmed.*

OPINION

Appellants argue, *inter alia*, that the trial judge's findings on the amount of damages are in error and are based on incomplete evidence. Appellants seek time to pursue an independent accounting of damages. The only issue in this appeal is whether appellants had a full and fair opportunity at trial to present their evidence on the amount of damages. The trial judge, in determining the amount of recovery, relied on an uncontested audit report prepared by the General Accounting Office from 1952-56.

We find no clear error with any of the trial judge's findings of fact. The trial judge's conclusions of law are correct and are supported by his findings of fact. We hold that appellants had a full and fair opportunity at trial to present the evidence that they now seek to gather through the requested accounting. On the basis of the trial judge's opinion, the judgement of the United States Claims Court is affirmed.

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT
717 Madison Place, N.W.
Washington, D.C. 20439

January 27, 1984

George E. Hutchison
Clerk

Telephone: 633-6550
Area Code 202

MEMORANDUM

RE: Appeal No. 83-1213
Hannahville Indian Community, et. al. vs.
The United States

The Court today announced its decision in the above-entitled appeal.

A copy of the Court's opinion is enclosed, and a judgment in conformity with the opinion has been entered today as required by Rule 36, Federal Rules of Appellate Procedure.

Costs may be recovered (by *Appellant or Appellee*) as provided by Rule 39, Federal Rules of Appellate Procedure.

Very truly yours,

/s/ George E. Hutchinson
George E. Hutchinson, Clerk

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

HANNAHVILLE INDIAN COMMUNITY, *et al.*
Appellants,

v.

Appeal No. 83-1213

THE UNITED STATES,
Appellee.

JUDGMENT

ON APPEAL from the United States Claims Court

THIS CAUSE having been heard and considered, it is ORDERED and ADJUDGED: AFFIRMED.

DATED January 27, 1984

Appellants' Petition for Rehearing, Denied March 12, 1984.

ENTERED BY ORDER OF COURT
George E. Hutchinson, Clerk

/s/
Clerk

ISSUED AS A MANDATE: March 20, 1984

APPENDIX B

(map to follow)

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